

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251
INTERNET <http://www.ptb.ca.gov>
EMAIL cps@dca.ca.gov

July 15, 2005

Citation No. 05-06-0134

Gary Jorge Larioza
1915 Palm Ave
San Mateo CA 94403

CITATION

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

FIRST CAUSE FOR CITATION

1. *Section 2630 of the Business and Professions Code*

It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired and unrevoked license issued under this chapter.

Based on records reviewed, it has been determined that you are in violation of Section 2630 of the Business and Professions Code for providing physical therapy treatment as a physical therapy aide without proper supervision to the following patients¹:

Patient A:

On July 14, 2004, Gary Larioza signed a daily note without co-signature by a physical therapist.

Patient E:

On July 12, 2004, Gary Larioza signed discharge report. On May 24, 2004 and July 7, 2004, Gary Larioza signed visit note without co-signature by a physical therapist.

¹Patient names are not used to protect the patients' privacy. The full names will be provided upon request for discovery.

Patient F:

On September 22, 2004, Gary Larioza signed re-evaluation.

Patient G:

On July 19, 2004, Gary Larioza signed a visit note without co-signature by a physical therapist.

SECOND CAUSE FOR CITATION

2. Section 2653 of the Business and Professions Code

Applicants From Foreign Schools(a)

(3) Complete a period of clinical service under the direct and immediate supervision of a physical therapist licensed by the board which does not exceed nine months in a location approved by the board, in a manner satisfactory to the board. The applicant shall have passed the written examination required in subdivision (b) prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report this or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service until he or she is issued a license as a physical therapist by the board, the applicant shall be identified as a "physical therapist license applicant."

Based on records reviewed, it has been determined that you are in violation of Section 2653 of the Business and Professions Code for representing yourself as a physical therapist license applicant in the treatment of the following patients:

Patient A:

On the "New Patient Evaluation" form "Gary Larioza, PTLA" is preprinted in the signature area.

Patient G:

On a "Progress Note" form "Gary Larioza, PTLA" is preprinted in the signature area.

THIRD CAUSE FOR CITATION

3. Section 2633 of the Business and Professions Code

Use of "P.T"

A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters, or figures which indicate that the

person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.," "R.P.T.," or "P.T."...

Based on records reviewed, it has been determined that you are violation of Section 2633 of the Business and Professions Code for represented yourself as a physical therapist in the treatment of the following patients:

Patient A:

In the New Patient Evaluation form dated June 21, 2004, "Gary Larioza PT" is preprinted on the letterhead.

Patient E:

In the Discharge Report dated July 12, 2004, "Gary Larioza PTFT" is preprinted on the form.

Patient F:

In the Initial/Interim/ Discharge Evaluation form, "Gary Larioza, PTFT is preprinted in the body of the form. A re-evaluation note dated September 22, 2004, has the signature of "Gary Larioza, PTFT".

Patient G:

On the New Patient Evaluation form dated June 2, 2004, "Gary Larioza PT" is preprinted on the letterhead.

ORDER

Further, you are ordered to pay a fine of \$ 2500.00 (\$2000.00 for first cause, and \$250.00 for second cause, and \$250.00 for third cause) to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

**FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR
TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED
WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINISTRATIVELY
CONTEST OR APPEAL THIS CITATION.**

Administrative Fine

\$ 2500.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,
PLEASE RETURN THE COPY OF THE CITATION
AND NOTE THE CITATION NUMBER ON YOUR CHECK
OR MONEY ORDER.

July 15, 2005

Date

Signature on file

STEVEN K. HARTZELL
Executive Officer

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ORDER OF ABATEMENT

July 15, 2005

Citation Against: Gary Jorge Larioza

Citation No. 05-06-0134

First Cause

Violations: Section 2630 of the Business and Professions Code

Description:

It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired and unrevoked license issued under this chapter.

Second Cause

Violations: Section 2653 of the Business and Professions Code

Description:*Applicants From Foreign Schools(a)*

(3) Complete a period of clinical service under the direct and immediate supervision of a physical therapist licensed by the board which does not exceed nine months in a location approved by the board, in a manner satisfactory to the board. The applicant shall have passed the written examination required in subdivision (b) prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report this or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service until he or she is issued a license as a physical therapist by the board, the applicant shall be identified as a "physical therapist license applicant."

Third Cause

Violations: Section 2633 of the Business and Professions Code

Description:*Use of "P.T"*

A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters, or figures which indicate that the person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.," "R.P.T.," or "P.T."...

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.